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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

NORTHERN ALASKA ENVIRONMENTAL
COUNCIL, et al.,

Plaintiffs,

v.

DEBRA HAALAND, in her official capacity, et
al.,

Defendants,

and

AMBLER METALS, LLC, et al.

Intervenor-Defendants.

Case No. 3:20-cv-00187-SLG

**DECLARATION OF KYLE PARKER IN SUPPORT OF INTERVENOR-
DEFENDANTS ALASKA INDUSTRIAL DEVELOPMENT AND EXPORT
AUTHORITY AND AMBLER METALS, LLC'S JOINT OPPOSITION TO
JOINT MOTION FOR EXPEDITED CONSIDERATION**

I, Kyle W. Parker, attest to the following facts based on first-hand knowledge.

1. I represent the Alaska Industrial Development and Export Authority in the above captioned litigation.

2. Counsel for Federal Defendants emailed the other parties to this litigation to obtain their positions on the motion to stay on Monday, September 27, 2021 at 1:39 p.m. Alaska time. That was the first time I learned that Federal Defendants intended to move to stay the briefing in the litigation in order to pursue government-to-government consultations.

3. Counsel for Intervenor-Defendant AIDEA responded as follows:

Given the timing, we have not been able to reach a position with our client on the proposed 60-day stay. You can represent AIDEA's position on the motion to stay as follows:

Intervenor-Defendant Alaska Industrial Development and Export Authority ("AIDEA") was informed of the Federal Defendants' intent to seek a stay less than twenty-four hours before this motion was filed and requires additional time to confer prior to providing a position on the 60-day stay requested in this motion. Intervenor-Defendant AIDEA does not consent to the immediate stay of the briefing schedule pending resolution of this motion that Federal Defendants and Plaintiffs appear to claim with the final sentence of this motion.

We're happy to discuss further if that would be helpful.

4. Counsel for Intervenor-Defendant Ambler Metals responded as follows:

Counsel for Intervenor-defendant Ambler Metals require additional time to confer with their clients about this motion, and may file briefs opposing it within the time permitted for them to respond under the local rules. Moreover, Ambler Metals objects to the Motion's attempt in the final paragraph to improperly accomplish an unapproved extension of the deadline for Plaintiffs' opening summary judgment brief. Given that Plaintiffs and Defendants represent that they met to discuss the case two months ago ("at the end of July"), the fact that this motion has been shared with the Intervenor-defendants two days before Plaintiffs' opening summary judgment brief is due should not operate to extend Plaintiffs' filing deadline.

DECLARATION OF KYLE PARKER

Northern Alaska Environmental Center v. Bernhardt, Case No. 3:20-cv-00187-SLG

Page 2 of 4

Ambler Metals further notes that requiring Plaintiffs to file their brief under the scheduling order that this Court has already entered will not use any judicial resources, and therefore would not by itself result in unnecessary judicial review.

5. Plaintiffs' counsel in this case emailed the other parties at 5:14 p.m. Alaska time on September 28, seeking the parties' position on a motion to expedite consideration of the stay motion, on the grounds that "Given that the stay implicates the timeline for filing of Plaintiffs' opening brief, we are requesting a ruling on the stay motion by COB tomorrow."

6. AIDEA and its predecessor in interest spent six years obtaining the necessary permits for the Projects, during which it funded the agencies' detailed reviews, responded to requests for additional information from multiple agencies and the public, coordinated and in some cases funded travel for local groups to consult on the Project, and rerouted the Project to respond to local concerns.

7. The construction schedule for the Ambler Road project has faced setbacks based on the Covid-19 pandemic and AIDEA's agreement to delay certain work in order to accommodate tribal concerns.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct to the best of my knowledge.

Executed within the United States this 29th day of September, 2021

s/ Kyle W. Parker
Kyle W. Parker

DECLARATION OF KYLE PARKER

Northern Alaska Environmental Center v. Bernhardt, Case No. 3:20-cv-00187-SLG

Page 3 of 4

CERTIFICATE OF SERVICE

I hereby certify on September 29, 2021, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which will send notification and electronic service of the same to all counsel of record.

Dated: September 29, 2021

HOLLAND & HART LLP

/s/ Kyle W. Parker

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DECLARATION OF KYLE PARKER

Northern Alaska Environmental Center v. Bernhardt, Case No. 3:20-cv-00187-SLG

Page 4 of 4

Case 3:20-cv-00187-SLG Document 89 Filed 09/29/21 Page 4 of 4